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10/679,463	10/07/2003	Jihyun Ahn		3161

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EXAMINER

HENDERSON, MARK T

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/679,463

Applicant(s)

AHN, JIHYUN

Examiner

Mark T. Henderson

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10,13,19-23 and 31-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10,13,19-23 and 31-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment I</u> .                     |

**DETAILED OFFICE ACTION**

**Faxing of Responses to Office Actions**

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing or responses to Office Actions directly into the Group at (571) 273-8300. This practice may be used for filing papers, which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 21, 2005 has been entered.

1. Claims 1-9, 11, 12, 14-18 and 24-30 have been canceled. Claims 10, 19, 21, 22 have been amended for further examination. Claims 31-33 have been added for further examination.

***Response to Amendment***

2. After further review and consideration, the examiner has withdrawn the previously allowable subject matter from the previous office action

***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "L3" has been used to designate both a reference line and peripheral edge portions as seen in amended drawing Fig. 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not

accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not refer to the sheets as “first sheet”, “second sheet”, “third sheet”, “fourth sheet”, “fifth sheet”, “sixth sheet”...”tenth sheet”. The specification only refers to the “sheets” as a specific “TYPE”, which consist of a particular cut shape for each sheet, not a particular sequential order to form the book

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10, 13, 19-23 and 31-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. In claims 10, 19, 21, 23, and 31-33, it is not understood by what is meant by “first sheet”.....and ”tenth sheet”. The specification only refers to the “sheets” as a specific “TYPE”, which consist of a particular cut shape for each sheet, not a particular sequential order to form the book. It is confusing for the examiner to determine what cut shape sheet the applicant is speaking of. Corrections are required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10, 13, 19-23 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strasbourg (CH-620,641A5) in view of Jones (GB413,243).

Strasbourg discloses in Fig. 1-3, and in Attachment I, a book comprising: a first plurality of sheets (n) having a peripheral edges with portions (E1, E2, E3, Bn, Un, and Dn) and oppositely facing front and back surfaces (not shown); a binding on a bound edge portion (on edge B, not directly shown) that maintains the sheets in a stacked arrangement; the peripheral edges (E1, E2, E3..En) configured so that a user can engage the book at a first location

(A1...An) and flip directly from a first sheet (1) to a second sheet (3) by engaging the first sheet (1) and the second sheet (3) at or adjacent to the peripheral edges (En) without exposing the front surface of a third sheet (2, seen in Fig. 1) between the first sheet (1) and second sheet (3); wherein the peripheral edges of the sheet comprise a bound peripheral edge portion (Bn) and an opposite peripheral edge portion (En); the binding (B) located at the bound peripheral edge portions in the plurality of sheets; the opposite peripheral edge portions having a first length (Ln) between spaced ends (top and bottom edges (Un and Dn)); wherein the book has a substantially squared outer edge shape with the bound peripheral edge portions and opposite peripheral edge portions on the sheets extending generally parallel to a second reference line (V1); and wherein the front and back surfaces of the plurality of sheets can have indicia; a front cover (seen in Fig. 2).

However, Strasbourg does not disclose: overlying fourth and fifth sheets having straight edge peripheral portions extending along a line, but disposed at a slight angle with respect to the second reference line of the book, and wherein the straight edge parts of the edge portions extend over at least one third of the first length; wherein the front surfaces of the first and second sheets and the back surface of the sheet that directly overlies the second sheet has related graphic material; a first graphic image/element on front surface of the first sheet; a second graphic element on the front surface of the second sheet, wherein the first and second graphic images/elements are related, or substantially the same; lined notebook surfaces having graphic images; a third and fourth graphic image element on the fourth sheet and fifth sheet, which are

related; wherein the first and second graphic images/elements are related in a manner different than the first and second images are related to the third and fourth image/elements.

Jones discloses in Fig. 3, and on Page 3, Col. 2, lines 66-87, wherein one of the sheets can be shaped having a peripheral edge portion having an edge part extending along a line at a slight angle relative to the reference line of the book (Col. 2, lines 80-87), and wherein the edge parts extend more than half way the length of the page.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strasbourg's book with additional flip sheets having a variety of different cut shapes as taught by Jones for providing additional pages in which an end user can selectively flip through without exposing the surfaces of other pages.

In regards to **Claims 13, 15, 32 and 33**, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place any type of graphic indicia on the front and back surfaces of the bound sheets, since it would only depend on the intended use of the assembly and the desired information to be displayed. Further, it has been held that when the claimed printed matter is not functionally related to the substrate it will not distinguish the invention from the prior art in terms of patentability. The fact that the content of the printed matter placed on the substrate may render the device more convenient by providing an end user with a specific type of information document or form does not alter the functional relationship. Mere support by the substrate for the printed matter is not the kind of functional relationship necessary for patentability. Therefore, it would have been obvious to place any type of indicia



on the bound sheets, since applicant has not disclosed the criticality of type of indicia, and invention would operate equally as well with any type of placed indicia.

### ***Response to Arguments***

Applicant's arguments with respect to claims 10, 13, 19-23 and 31-33 have been considered but are moot in view of the new ground(s) of rejection.

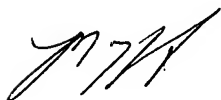
Strasbourg as modified by Jones is used to reject applicant's invention

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mas Schar discloses a similar book.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (571) 272-4477, and informal fax number is (571) 273-4477. The examiner can be reached on Monday-Friday from 9:00AM to 3:45PM. If attempts to reach the examiner by telephone are unsuccessful, the Examiner Supervisor, Boyer Ashley, can be reached at (571) 272-4502. The formal fax number for TC 3700 is (571) 273-8300.



MTH

January 20, 2006



**BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER**

